

*First*

AN ORDINANCE amending the Thoroughfare  
Plan of the City Comprehensive ("Master")  
Plan by vacating an alley thereof.

WHEREAS, a petition to vacate a public alley within the  
City of Fort Wayne (as more specifically described below) was  
duly filed with the City Planning Commission; and

WHEREAS, said Commission duly held a public hearing  
thereon; and

WHEREAS, said Commission has duly forwarded its  
recommendation to this body approving said petition, all in  
accordance with I.C. 36-7-4-512(2) and this body having held  
a public hearing on said vacation as provided in I.C. 36-7-4-  
12; and

WHEREAS, this body concurs in the recommendation of the  
City Planning Commission.

NOW THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF  
THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the petition filed herein to vacate a  
public alley within the City of Fort Wayne, more specifically  
described as follows, to-wit:

Vacate the first alley east of Calhoun Street from the  
south property line of Lot #108, Calhoun Place Addition  
to its northern terminus.

ALSO:

Vacate the first alley north of East Foster Parkway from  
the west line of Lot #12, Calhoun Place Addition to its  
eastern terminus, also being the west line of alley  
vacated by Declaratory Resolution #957-1956.

and which vacating amends the Thoroughfare Plan of the City  
Comprehensive ("Master") Plan and is hereby approved in all  
respects.

SECTION 2. That this Ordinance shall be in full force  
and effect from and after its passage, any and all necessary  
approval by the Mayor.

*[Signature]*  
COUNCILMEMBER

APPROVED AS TO FORM AND LEGALITY:

*J. Timothy McCaulay*  
J. TIMOTHY MCCAULAY, CITY ATTORNEY



#509

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\*\* Public hearing to be held on \_\_\_\_\_,  
the \_\_\_\_\_ day of \_\_\_\_\_, 1992,  
in the Council Chambers.

\_\_\_\_\_  
Sandra E. Kennedy, City Clerk

# RECEIPT

No 10898

COMMUNITY & ECONOMIC DEVELOPMENT

FT. WAYNE, IND.,

3-19 19 92

RECEIVED FROM

Cornerstone Christian Worship \$ 100.00

THE SUM OF

One hundred & 00/100

DOLLARS

ON ACCOUNT OF

3436

Alley vacation  
Total

PAID BY: CASH ☐ CHECK ☒ M.O. ☐

AUTHORIZED SIGNATURE



Date Filed: August 13, 1991

Vacation Petition

I/We Cornerstone Christian Worship Center, Inc.  
(Applicant's Name or Names)

PETITION TO VACATE Alley  
(Street, Alley, Utility Easement, Plat,  
Other)

TO: THE CITY PLAN COMMISSION  
CITY OF FORT WAYNE, INDIANA

The undersigned petitioner(s), do (does) hereby respectfully  
petition the Fort Wayne City Plan Commission to vacate the  
following Alley with the City of Fort  
Wayne, Indiana, and hereby described as follows: Owners of Bordering Prop.

Lot 108 Calhoun Place Addition, Lot 109 Calhoun Place Addition, Lot 11  
Calhoun Place Addition, Lot 12 Calhoun Place Addition.

SEE ATTACHED

(Legal Description of property being vacated) If additional  
space is needed use reverse side.)

In support thereof, your petitioner(s) would represent as  
follows:

(List reasons for requesting vacation.)

In order to connect all Buildings together Bordering Properties Listed above  
The Alley is not necessary for other properties. It is open but unimproved.  
This alley would not necessary of advantageous growth of the City of Fort  
Wayne

(If additional space is needed use reverse side.)

Your petitioner(s) file this petition pursuant to the authority  
granted in Indiana Code, and provisions of local ordinance, in  
order to complete the vacation as described.

WHEREFORE, your petitioner(s) pray that the above described  
Alley be vacated according to the provisions  
of the Indiana Law pertaining thereto.

DATED THIS 13th DAY OF August 19 91

Cornerstone Christian Worship Ct.  
Adjacent Property Owner  
Typed Name

3927 S. Calhoun P.O. Box 10451  
Address Zip

Charlie Walborn  
Signature

Cornerstone Christian Worship Ct.  
Adjacent Property Owner  
Typed Name

Fort Wayne, In. 46852  
Address Zip

Charlie Walborn  
Signature

**Legal Description of Property:**

THE SOUTH 148' OF THE NORTH-SOUTH ALLEY ADJACENT TO

LOT 12, CALHOUN ADDITION.

**Additional Reasons for Vacation Request:**

**Owners of Adjacent Property:**

_____	_____	_____
_____	_____	_____
_____	_____	_____

Adjacent Owners TYPED Name	Property Name	Address/Zip	Signature
-------------------------------	------------------	-------------	-----------

**NOTICE:**

FILING OF THIS APPLICATION GRANTS THE CITY OF FORT WAYNE PERMISSION TO POST "OFFICIAL NOTICE" ON THE PETITIONED PROPERTY.

FAILURE TO POST, OR TO MAINTAIN POSTING CAN PREVENT THE PUBLIC HEARING FROM BEING HELD.

This form is to be filed in duplicate.

**AGENT:**

\_\_\_\_\_  
Name

\_\_\_\_\_  
Street Address

\_\_\_\_\_  
City/State/Zip

\_\_\_\_\_  
Phone

Vacate the first alley east of Calhoun Street from the South property line of Lot #108, Calhoun Place Addition to its northern terminus.

ALSO:

Vacate the first alley north of the East Foster Parkway from the west line of Lot #12, Calhoun Place Addition to its eastern terminus, also being the west line of alley vacated by Declaratory Resolution #957-1956.





Goldstine, Inc.  
Commercial - Industrial Realtors

March 19, 1992

City Plan Commission  
Attn: Mr. O'Brien

RE: Vacation of Alley North of Foster Parkway East of Calhoun Street

Dear Mr. O'Brien:

This letter is agreement in principal that owners of Rudisill Center Shopping Center may agree to vacate the above referenced alley, said vacation to be subject to final approval by the actual owners of said Center.

Very truly yours,

Lloyd E. Ehmcke, Agent  
Rudisill Center Realty

LEE/bkm

Read the first time in full and on motion by Quigley, seconded by \_\_\_\_\_, and duly adopted, read the second time by title and referred to the Committee on Regulations (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Common Council Conference Room 128, City-County Building, Fort Wayne, Indiana, on \_\_\_\_\_, the \_\_\_\_\_, day of \_\_\_\_\_, 19\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M., E.S.T.

DATED: 4-14-92

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Ravine, seconded by \_\_\_\_\_, and duly adopted, placed on its passage. ~~PASSED~~ LOST by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT
TOTAL VOTES		<u>9</u>		
BRADBURY		<u>✓</u>		
EDMONDS		<u>✓</u>		
GiaQUINTA		<u>✓</u>		
HENRY		<u>✓</u>		
LONG		<u>✓</u>		
LUNSEY		<u>✓</u>		
RAVINE		<u>✓</u>		
SCHMIDT		<u>✓</u>		
TALARICO		<u>✓</u>		

DATED: 3-9-93

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK  
Nancy Cole, Deputy Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL) (SPECIAL) (ZONING) ORDINANCE RESOLUTION NO. \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_

ATTEST:

(SEAL)

SANDRA E. KENNEDY, CITY CLERK

PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, at the hour of \_\_\_\_\_ o'clock \_\_\_\_\_ M., E.S.T.

SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, at the hour of \_\_\_\_\_ o'clock \_\_\_\_\_ M., E.S.T.

PAUL HELMKE, MAYOR



RESOLUTION OF VACATION ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana on April 14, 1992 referred a proposed alley vacation ordinance to the City Plan Commission which proposed ordinance was designated as Bill No. G-92-04-13; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

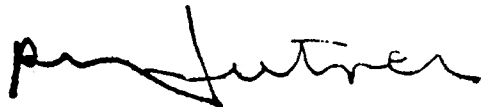
WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on April 20, 1992.

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO NOT PASS recommendation, due to the fact that the conditions placed on the request were not satisfied within the six (6) months allotted.

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held February 1, 1993.

Certified and signed this  
2nd day of February 1993.

A handwritten signature in black ink, appearing to read "Robert Hutner", written over a horizontal line.

Robert Hutner  
Secretary

*From the Desk of:*  
**Pat Biancaniello**

AGENT:

Cornerstone Christian Worship Ctr  
3927 S Calhoun St  
P O Box 10451  
City 46852





## THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ROOM 122 • FORT WAYNE, INDIANA 46802 • 219-427-1208

SANDRA E. KENNEDY, CITY CLERK

February 17, 1993

Ms. Connie Lambert  
Fort Wayne Newspapers, Inc.  
600 West Main Street  
Fort Wayne, IN 46802

Dear Ms. Lambert:

Please give the attached full coverage on the date of  
February 20, 1993, in both the News Sentinel and Journal  
Gazette.

RE: Legal Notice for Common Council  
of Fort Wayne, IN

Bill No. G-92-08-10  
Vacating a street and alley

Bill No. G-92-04-12  
Vacating an alley

Bill No. G-92-04-13  
Vacating an alley

Bill No. G-92-05-05  
Vacating an alley

Bill No. G-93-01-20  
Vacating an alley

Please send us 3 copies of the Publisher's Affidavit from the  
above from both newspapers.

Thank you.

Sincerely yours,

Sandra E. Kennedy  
City Clerk

SEK/ne  
ENCL: 5

NOTICE OF PUBLIC HEARING  
FORT WAYNE COMMON COUNCIL  
(BILL NO. G-92-04-13)

Notice is hereby given that the Fort Wayne Common Council of the City of Fort Wayne, will conduct a public hearing on Tuesday, March 9, 1993, at 7:00 P.M. (EST) in the Common Council Conference Room 128, City-County Building, One Main Street, Fort Wayne, Indiana, more particularly described as follows:

Vacate the first alley east of Calhoun Street  
from the south property line of Lot #108, Calhoun Place  
Addition to its northern terminus

ALSO:

Vacate the first alley north of East Foster Parkway  
from the west line of Lot #12, Calhoun Place Addition  
to its eastern terminus, also being the west line of  
Alley vacated by Declaratory Resolution #957-1956

All interested parties are invited to appear and be heard.

FORT WAYNE COMMON COUNCIL

Sandra E. Kennedy  
City Clerk





## THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ROOM 122 • FORT WAYNE, INDIANA 46802 • 219-427-1208

SANDRA E. KENNEDY, CITY CLERK

February 17, 1993

Cornerstone Christian Worship Ctr  
3827 S Calhoun Street  
P.O. Box 10451  
Fort Wayne, IN 46852

### NOTICE OF PUBLIC HEARING ON BILL NO. G-92-04-13

You are hereby notified that the Common Council of Fort Wayne, will conduct a public hearing on Tuesday, March 9, 1993, at 7:00 P.M. (EST) in the Common Council Conference Room 128, 1st Floor, City-County Building, One Main Street, Fort Wayne, Indiana, on the following:

Part of N/S alley located E of Calhoun St and N of E Foster Pkwy. Part of E/W alley E of Calhoun St and N of E Foster Pkwy - Councilmanic District #5

All interested persons are invited to appear and be heard. Any written material may be submitted to the Common Council prior to the hearing.

FORT WAYNE COMMON COUNCIL

Sandra E. Kennedy  
City Clerk

# Division of Community Development & Planning

## BRIEF TITLE

Alley Vacation Ordinance

## APPROVAL DEADLINE

## REASON

## DETAILS

## POSITIONS

## RECOMMENDATIONS

## Specific Location and/or Address

Part of N/S alley located E of Calhoun St & N of E Foster Pkwy. Part of E/W alley E of Calhoun St and N of E Foster Pkwy.

## Reason for Project

Petitioner stated "In order to connect all buildings together bordering properties".

## Discussion (Including relationship to other Council actions)

## STATUS:

(See attached status report & staff recommendation.)

1 February 1993 - Business Meeting

Motion was made and seconded to return the ordinance to the Common Council with a DO NOT PASS recommendation for the following reasons:

- 1) It is not appropriate for alley ways to be vacated unless replacement utility easements or relocations can be provided.
- 2) Petitioners did not provide corrected signatures.
- 3) Failing to provide a cul-de-sac or other turn around would cause the public to drive onto private property in order to access another public right-of-way.

Of the seven (7) members present, six (6) voted in favor of the motion, one (1) did not vote.

Motion carried.

## Sponsor

City Plan Commission

## Area Affected

City Wide

Other Areas

Applicants/  
Proponents

## Applicant(s)

Cornerstone Christian Worship  
Center Inc  
City Department

Other

## Opponents

## Groups or Individuals

Max Crosley, 4504 Marvin Dr  
Marigrace Klemm  
Mike Blause, 124 E Foster Pkwy  
Basis of Opposition  
-alleys are used for access to  
commercial properties & res-  
idential properties, closing  
alleys would create traffic  
problem

Staff  
Recommendation

☐ For ☒ Against

Reason Against

Board or  
Commission  
Recommendation

## By

☐ For ☒ Against  
☐ No Action Taken

☐ For with revisions to conditions  
(See Details column for conditions)

CITY COUNCIL  
ACTIONS  
(For Council  
use only)

☐ Pass ☐ Other  
☐ Pass (as  
amended) ☐ Hold  
☐ Council Sub. ☐ Do not pass



**DETAILS**

**NOTE:**

Plan Commission By-Laws Article VI, Sec 5  
Conditional Approvals

All ordinances which are given a "DO PASS" recommendation by the City Plan Commission, upon conditions to be met by the petitioners, or others seeking passage of the ordinance, shall be held by the City Plan Commission staff for a period of not more than six (6) months to allow the petitioner(s) or other(s) to satisfy the condition(s). If not satisfied within six (6) months from the date of the Plan Commission's decision to recommend "DO PASS" with condition(s), the City Plan Commission staff shall return the ordinance to the City Plan Commission for its reconsideration and recommendation of "DO NOT PASS" to the City Council, if the Plan Commission determines at that time that such recommendation is proper under the circumstances existing at that time.

**POLICY/ PROGRAM IMPACT**

Policy or Program Change	<input type="checkbox"/> No <input type="checkbox"/> Yes
Operational Impact Assessment	

(This space for further discussion)

**Project Start**

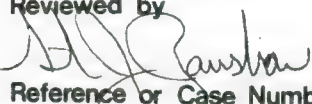
**Date** 19 March 1992

**Projected Completion or Occupancy**

**Date** 2 February 1993

**Fact Sheet Prepared by**  
Patricia Biancaniello

**Date** 2 February 1993

**Reviewed by**  
  
**Reference or Case Number**

**Date**  
2 FEBRUARY 1993

### **Reconsideration of Bill # G-92-04-13**

**Petition:** Cornerstone Christian Worship Center requested the vacation of a portion of two public alleys.

**Location:** 1) Portions of the north-south alley located north of East Foster Parkway and east of Calhoun Street, and  
2) Portions of the east-west alley located east of Calhoun Street and north of East Foster Parkway.

**Status:** Granted a "Conditional Approval" on April 27, 1992.

Staff sent a letter indicating the conditions that needed to be met on May 7th. Our records do not indicate that the conditions have been satisfied.

On Jan. 6, 1993, staff again sent a letter indicating that the conditions were still unsatisfied, and that failure to respond by the 15th would cause the petition to be returned to the Plan Commission for reconsideration.

### **Planning Staff Discussion:**

The staff does not recommend the vacation of any alley or easement unless the conditions addressing the need for replacement utility easement or relocations are satisfied as applicable.

Additionally in this case the following were not satisfied:

- 1) Provisions for a cul-de-sac or other turn around at the northern end of the non-vacated north-south alley;
- 2) Signatures of the actual owners or record instead of their agent (Rudisill Center indicated some reservation regarding their agents signature.)
- 3) A revised legal description was required.
- 4) One additional property owner did not sign the petition.

**Recommendation:** Do Not Pass for the following reasons:

- 1) It is not appropriate for alley ways to be vacated unless replacement utility easements or relocations can be provided.



2) Petitioners did not provide corrected signatures.

3) Failing to provide a cul-de-sac or other turn around would cause the public to drive onto private property in order to access another public right-of-way.

#509

ORIGINAL

ORIGINAL

DIGEST SHEET

TITLE OF ORDINANCE Alley Vacation Ordinance

DEPARTMENT REQUESTING ORDINANCE Land Use Management - C&ED

SYNOPSIS OF ORDINANCE The first alley east of Calhoun Street  
and the first alley north of East Foster Parkway.

9-92-04-13

EFFECT OF PASSAGE Property is currently dedicated right-of-way.  
Property will be vacated and revert to the ownership of the  
adjacent property owners.

EFFECT OF NON-PASSAGE Property will remain dedicated right-of-  
way.

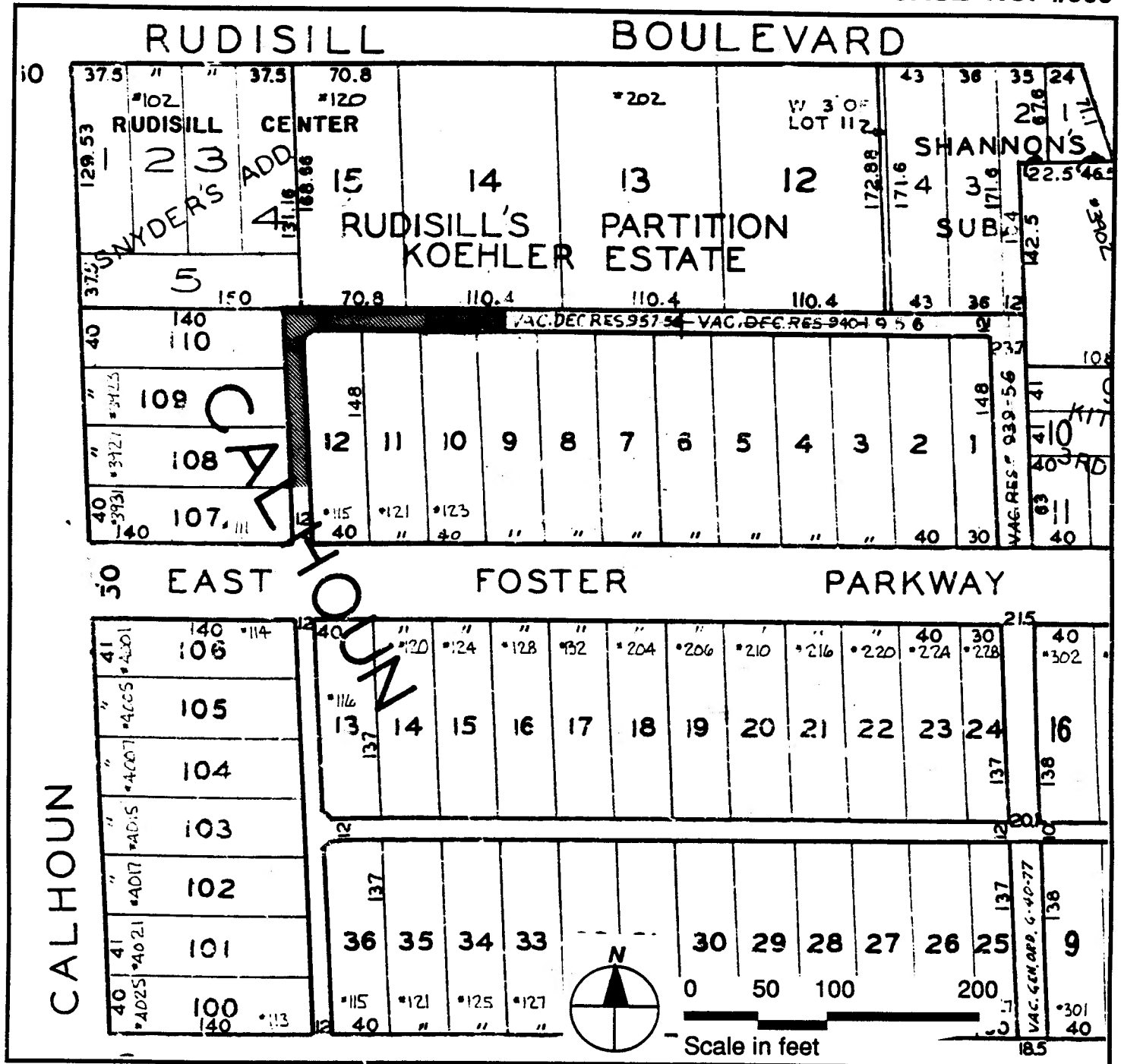
MONEY INVOLVED (Direct Costs, Expenditures, Savings) \_\_\_\_\_

(ASSIGN TO COMMITTEE) \_\_\_\_\_

# VACATION PETITION

## AREA MAP

CASE NO. #509



COUNCILMANIC DISTRICT NO. 5

Map No. M-11  
LW 3-27-92

R1	One-Family	B1	Limited Business	M1	Light Industrial
R2	Two-Family	B2	Planned Shopping Center	M2	General Industrial
R3	Multi-Family	B3	General Business	M3	Heavy Industrial
RA/RB	Residential	B4	Roadside Business	MHP	Mobile Home Park
PUD	Planned Unit Dev.	POD	Professional Office District		



BILL NO. G-92-04-13

REPORT OF THE COMMITTEE ON  
REGULATIONS

DAVID C. LONG & REBECCA J. RAVINE - CO-CHAIRPERSONS  
LUNSEY, SCHMIDT

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS  
REFERRED AN (ORDINANCE) (~~RESOLUTION~~) amending the Thoroughfare  
Plan of the City Comprehensive ("Master") Plan by vacating  
an alley thereof

HAVE HAD SAID (ORDINANCE) (~~RESOLUTION~~) UNDER CONSIDERATION  
AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID  
(ORDINANCE) (~~RESOLUTION~~)

DO PASS

DO NOT PASS

ABSTAIN

NO REC

*David C. Long*

*Rebecca J. Ravine*

*David C. Long*

DATED: 2-9-93

Sandra E. Kennedy  
City Clerk



FW Common Council

(Governmental Unit)

ALLEN County, Indiana

To:

The Journal-Gazette

Dr.

P.O. Box 100

Fort Wayne, IN

## PUBLISHER'S CLAIM

## LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of type in which the body of the advertisement is set)  
-- number of equivalent lines

Head -- number of lines

Body -- number of lines

Tail -- number of lines

Total number of lines in notice

## COMPUTATION OF CHARGES

25 lines, 1 columns wide equals 25 equivalent lines  
at .33 cents per line

\$ 8.25

Additional charge for notices containing rule or tabular work  
(50 percent of above amount)

Charge for extra proofs of publication (\$1.00 for each proof in excess of two)

TOTAL AMOUNT OF CLAIM

\$ 8.25

## DATA FOR COMPUTING COST

Width of single column 12.5 ems

Number of insertions 1

Size of type 6 point

Pursuant to the provisions and penalties of Chapter 155, Acts 1953,

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Date: Feb 20, 19 93

Title: Clerk

## PUBLISHER'S AFFIDAVIT

State of Indiana )

) ss:

Allen County )

Personally appeared before me, a notary public in and for said county and state, the undersigned Cindy Gillenwater who, being duly sworn, says that he/she is Clerk of the The Journal-Gazette newspaper of general circulation printed and published in the English language in the (city) (town) of Fort Wayne, IN in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for 1 time, the dates of publication being as follows:

2/20/93

Subscribed and sworn to before me this 20th day of Feb 19 93

Notary Public Whitley County, IN  
SHELLEY R. LARUE

My commission expires: March 3, 1994

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FORT WAYNE COMMON COUNCIL  
(BILL NO. G-92-04-13)

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ALSO:

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All interested parties are invited to appear and be heard.

FORT WAYNE COMMON COUNCIL  
Sandra E. Kennedy  
City Clerk  
#116



FW Common Council  
(Governmental Unit)

To: The News-Sentinel Dr.  
P.O. Box 100  
Fort Wayne, IN

ALLEN County, Indiana

PUBLISHER'S CLAIM

LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of type in which the body of the advertisement is set)  
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Title: Clerk

PUBLISHER'S AFFIDAVIT

State of Indiana )

) ss:

Allen County )

Personally appeared before me, a notary public in and for said county and state, the undersigned Cindy Gillenwater who, being duly sworn, says that he/she is Clerk of the The News-Sentinel newspaper of general circulation printed and published in the English language in the (city) (town) of Fort Wayne, IN in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for 1 time, the dates of publication being as follows:

2/20/93

Subscribed and sworn to before me this 20th day of Feb, 1993

Notary Public Whitley County, IN  
SHELLEY R. LARUE

My commission expires: March 3, 1994

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(BILL NO. G-92-04-13)

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FORT WAYNE COMMON COUNCIL  
Sandra E. Kennedy  
City Clerk  
#116